

EXHIBIT 37

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No. 03-MDL-1570 (GBD) (SN)
-----x.
IN RE: TERRORIST ATTACKS ON
SEPTEMBER 11, 2001
-----x

July 7, 2021
9:06 a.m.

Videotaped Deposition via Zoom
of JIMMY GURULE, pursuant to Notice,
before Jineen Pavesi, a Registered
Professional Reporter, Registered Merit
Reporter, Certified Realtime Reporter and
Notary Public of the State of New York.

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2 did not consider any underlying evidence
3 pertaining to any specific SDGT
4 designation made pursuant to Executive
5 Order 13224, is that correct?

6 A. Yes.

7 Q. In forming your opinions that
8 are offered in your expert opinion dated
9 February 1st, 2021, and marked as Exhibit
10 2032, you did not consider any underlying
11 evidence pertaining to any specific
12 designation made pursuant to U.N.
13 Resolution 1267, is that correct?

14 A. Yes.

15 Q. You have your report in front
16 of you.

17 MS. BEMBRY: We can take down
18 Exhibit 2033.

19 Q. You note on page 6 of your
20 report that designation as an SDGT is an
21 administrative rather than a criminal
22 action, is that right?

23 A. Yes.

24 Q. And that means that it's not an
25 adjudication process of the guilt or

1 GURULE

2 innocence of any individual or entity, is
3 that right?

4 A. Yes.

5 Q. It's not a criminal or a civil
6 action?

7 A. That's correct.

8 Q. There is no requirement that
9 the government establish the existence of
10 evidence that an actual act of terrorism
11 was committed by any individual or entity
12 that is being considered for designation
13 pursuant to Executive Order 13224?

14 A. Yes.

15 Q. And there is no requirement
16 that the government have to demonstrate
17 that an individual that's being considered
18 for designation under Executive Order
19 13224 actually intended to support
20 terrorism in any way, is that correct?

21 A. That's correct.

22 I mean, the designation again
23 falls within the scope of Executive Order
24 13224.

25 Q. And that's a fairly broad

1 GURULE

2 order, is that right?

3 A. That's right, yes.

4 Q. And the idea of it, the
5 ultimate goal, is one that is
6 preventative, that is, to prevent the use
7 of funds to fuel or further terrorist
8 attacks, is that right?

9 A. Yes.

10 Q. And it is to save lives?

11 A. Yes.

12 Q. And an individual can be
13 designated if there is reason to believe
14 that that entity poses a significant risk
15 for committing acts of terrorism, is that
16 right?

17 A. That's one basis for
18 designation.

19 Q. And there is no requirement of
20 evidence that the individual actually
21 committed an act of terrorism, right, it's
22 the posing a significant risk, do I have
23 that correct?

24 A. Well, you can be designated if
25 you actually, if the individual has

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2 actually committed an act of terrorism,
3 but the individual could also be
4 designated if he or she poses a threat of
5 committing acts of terrorism that threaten
6 national security.

7 Q. You note in your report, and I
8 refer you to page 4 if you want to look at
9 it, at page 4 you note that, second full
10 paragraph, towards the end of that second
11 full paragraph, "Publicly designating
12 individuals and organizations for asset
13 freeze 'notifies the U.S. public and the
14 world that these parties are either
15 actively engaged in or supporting
16 terrorism or that they are being used by
17 terrorists and their organizations'."

18 Did I read that correctly?

19 A. Yes.

20 Q. What did you mean by being used
21 by terrorists and their organizations,
22 what did you mean by that?

23 MR. EUBANKS: Objection to
24 form, mischaracterization.

25 A. First of all, it is a quote, it

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2 is a quote from the Terrorist Assets
3 Report, 18th annual report to Congress on
4 the assets, on assets in the United States
5 of terrorist countries, international
6 terrorists, terrorist program designees,
7 2008, 2009, and so I'm quoting from the
8 Treasury Department report.

9 And so for me it could be that
10 these individuals are providing, either
11 knowingly or unknowingly, financial
12 assistance or other support to terrorist
13 or terrorist organizations.

14 Q. So your understanding is that
15 an individual who may be unknowingly
16 providing or financing terrorist activity
17 could be subject to designation under
18 Executive Order 13224, is that right?

19 A. Yes.

20 Q. And by the same token, an
21 individual who may be unwittingly
22 financing terrorism activity could be
23 subject to designation under Executive
24 Order 13224, is that fair to say?

25 A. Yes; so it's both, someone

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2 could be doing it intentionally,
3 knowingly, willfully, or inadvertently,
4 unknowingly.

5 Q. And the idea is that Executive
6 Order seeks to cast a wide net so as to
7 disrupt the channels of terrorist
8 financing to save lives, is that fair to
9 say?

10 A. Yes.

11 Q. You state on page 6, and this
12 is under the section SDGT Designation
13 Process, this is the third sentence under
14 that section, "First, OFAC collects
15 evidence to support the SDGT designation."

16 Did I read that correctly?

17 A. Yes.

18 Q. Do you mean by that to say that
19 the first step in the process is to look
20 for evidence or, rather, collect evidence,
21 I'm trying to distinguish that between
22 identifying an individual who might be
23 subject to Executive Order 13224 and so I
24 would like to understand, in making this
25 statement, are you saying that the first

C E R T I F I C A T I O N

I, Jineen Pavesi, a Registered Professional Reporter, Registered Merit Reporter, Certified Realtime Reporter and a Notary Public, do hereby certify that the foregoing witness, JIMMY GURULE, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

A handwritten signature in black ink that reads "Jineen Pavesi, RPR, RMR". The signature is written in a cursive, flowing style.

JINEEN PAVESI, RPR, RMR, CRR